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SUBJECT: MADAGASCAR: BRINKMANSHIP AS NEGOTIATIONS PROCEED

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11. (SBU) SUMMARY: Contrary to media reports on the faltering negotiations between Madagascar's four main political movements, UN and AU mediators remain confident that talks will continue, that last week's negotiated gains will not be lost, and that the increasingly loud rhetoric emanating from the TIM and AREMA movements will not derail their slow advance towards a political solution. Moving into a third phase of negotiations, the key unresolved issues will be the distribution of positions in the executive and legislative institutions of the transitional government, and the exact wording of the amnesty covering political leaders since 2002. In the meantime, the High Transitional Authority (HAT) is pressing ahead with government appointments and even an independent electoral commission, in an attempt to demonstrate their independence and ability to govern despite the deadlock. END SUMMARY.

RAVALOMANANA AND RATSIRAKA STEP BACK . . . FOR NOW

12. (SBU) Following instructions from their leaders abroad, representatives of former Presidents Didier Ratsiraka and Marc Ravalomanana have pulled out of negotiations hosted jointly by the African Union, SADC, the Francophonie, and the United Nations. Press reports have noisily seized on the moves as indicators of failure in the negotiations, but contacts familiar with the negotiations have a more nuanced view. They maintain that all four parties still stand behind last week's gains, and this week's belligerent stances are a ploy to control at least two of the remaining issues: who will preside over the HAT (of great concern primarily to Ratsiraka) and what will be the terms of the amnesty (which has become primarily a Ravalomanana issue - at this stage, all parties are already in agreement on Ratsiraka's demands pertaining to the "cancellation" of his charges from 2001/02). For the international mediators, this is merely a "technical pause between phase two (May 20-22 at the Carlton Hotel) and phase three (which hasn't begun yet)" of the negotiations; they recognize that the remaining issues will be the most contentious, but are generally pleased with the results from phase two.

MEDIATORS TALLY THEIR WINS AND PREPARE FOR THE NEXT ROUND

13. (SBU) On Saturday, May 23, the mediators released a statement summarizing what had been accomplished in phase two, and outlining the remaining difficulties. Per the statement, all agreed that the transition must be neutral, peaceful, and consensual; that the former heads of state, and the current President of the HAT, will be permitted to run in the next election; that the elections would be held as soon as possible within a period of 14 months; and that all former heads of state would benefit from a special statute ensuring their dignity and security. In addition, UN contacts maintain that the four parties remain committed to eight transitional institutions, mostly unchanged from previous drafts of the Transition Charter that UN Senior Mediator Tiebiele Drame worked on before the Carlton negotiations. As of Tuesday, May 26, no parties had yet indicated they would renege on these points.

14. (SBU) The document also outlined two key points for the next

round of talks: the composition and formula for the proportional distribution of seats among executive and legislative institutions, and the terms of a general amnesty. While Ratsiraka claims to demand the complete cancellation of all legal complaints against him and his colleagues (including military) dating from the 2001/02 conflict, embassy contacts believe that this is a figleaf for his real demand: that Andry Rajoelina give up the presidency of the HAT.

Strengthening this argument is the fact that the other movements have already agreed to such a "cancellation", and that the "terms of a general amnesty" in the statement actually refer to an argument between Rajoelina's HAT and Ravalomanana's TIM: the HAT wants the amnesty to extend only to December 31, 2008 (thus leaving Ravalomanana open for judgment on everything that happened since), while the TIM negotiators demand that the amnesty extend up to the date of signature of an eventual "Transition Charter".

BRINKMANSHIP, INTRIGUE, AND SHIFTING LOYALTIES

15. (SBU) In light of Ratsiraka's statement, his team simply did not show up on Monday, May 25, for the latest round of negotiations. Ravalomanana's "Legalist" supporters did come, but then left since Ratsiraka's team was absent; regardless, they were under orders from Ravalomanana to boycott, so the appearance was little more than a means of blaming Ratsiraka for allowing the negotiations to falter. Publicly, Ravalomanana has announced three additional preconditions: he must be allowed to return (and his security must be assured); the "hostages" (the imprisoned political leaders of his "Legalist" movement, including his appointed Prime Minister Manandafy Rakotonirina) must be released unconditionally; and there must be better guarantees for the protection of the people and property associated with his former government and current political movement. Support for a 48-hour "ultimatum" for the release of

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these political prisoners, set to expire today, appears to have waned; by 1600, there has been no abnormal activity outside the small, controlled, daily demonstrations north of city center.

16. (SBU) With supporters of Ratsiraka and Ravalomanana momentarily stepping away from the negotiating table, others are eyeing the empty chairs. On May 25, three of the "political prisoners" released in April 2009 announced their willingness to serve as a fifth movement in the negotiations, although their agenda is largely identical to that of the HAT. Speculation is rife that the split between Pierrot Rajoanarivelo and Ratsiraka may be widening, and that he may make a bid to join the discussion. There is also the possibility that a faction of the Legalist camp may split off from those loyal to Ravalomanana; TIM was never monolithic, and his refusal to negotiate may encourage others to fill the gap. For the moment, however, it remains unlikely that any of the four movements (of Ratsiraka, Ravalomanana, Rajoelina, and Zafy) will permit any additions. This issue was tentatively dealt with last week by expanding the movements' delegations from five members to seven, to accommodate newly emerging players. No single group outside the four main movements has enough support to force their way in at this time.

TGV STEAMS AHEAD

17. (SBU) At the moment, Rajoelina's HAT has the least to gain from the status quo: their role at the helm of the country means they are being associated with ongoing increases in urban crime, political protests, economic decline, and international isolation. Ravalomanana and Ratsiraka, watching from abroad, have nothing to lose by dragging out the negotiations, so the HAT remains on the offensive: in a cabinet meeting on May 25, the HAT named five more Regional Chiefs (only one out of 22 now remains un-named, that of Analamanga Region, where Antananarivo is located), and unilaterally declared the creation of an Independent Electoral Commission via Decree 2009-721. They have rescheduled the "Assises Regionales" (Regional Meetings) for June 8-13 in advance of a National Conference before June 26 which, entirely outside of the ongoing negotiations, will determine the course of the transition government, barring agreement at the negotiating table. In addition, the HAT is hosting a two-day "Military Conference" this week, purportedly to discuss military living conditions and respect for social and military hierarchies. (NOTE: Per sources familiar with the HAT, the biggest fear of Rajoelina and his team is that the

others won't agree to anything, and are simply trying to wear them down by attrition. These attempts to simply "move on", misguided though they may be, are meant to demonstrate that the HAT does have an alternative to the international mediation process. END NOTE)

COMMENT: STILL MOVING FORWARD SLOWLY

18. (SBU) COMMENT: Last Friday's apparent progress on an agreement, followed by setbacks over the weekend, represents a challenge for the international mediators on the scene, but does not likely pose an existential threat to the negotiations. Ratsiraka and Ravalomanana are jockeying for position on key issues, but their supporters in country will only stand for so much - which will in turn pressure them to stay engaged, if only so that they aren't replaced at the negotiating table. Media outlets have been expressing a certain amount of discontent with the international mediation effort, but Post is frequently contacted by concerned partisans of all sides that clearly find the international community an indispensable piece of the puzzle.

19. (SBU) A comprehensive political solution remains distant, and the boycott of Ravalomanana and Ratsiraka is an incremental step back from the apparent progress made through last Friday. However, there is no sign that any movement intends to return to the street in any serious way now that the real stakes are to be found in the negotiating room. UN contacts remain confident that another "interim" phase of shuttle diplomacy between the parties will push things forward, and the SADC envoy will have an opportunity to work on Ravalomanana's position when he returns to Swaziland tomorrow (May 27). The International Contact Group on Madagascar will meet again on May 27, and a third phase of negotiations, focusing on the key points raised in paragraph four, should begin shortly thereafter. END COMMENT.

STROMAYER